

**REMARKS**

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks. Claims 7-24 were pending prior to the Final Office Action. Claims 25-26 are added. Therefore, claims 7-26 are pending upon entry of the amendments. Claims 7 and 10 are independent.

***Scope Not Altered***

Some of the claims are amended merely to address informal issues and to clarify the invention. The scope of the claims is not narrowed by the Amendments.

***§ 112, 1<sup>st</sup> Paragraph Rejection***

Claims 14 and 18 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. These claims are amended in the manner suggested by the Examiner. Applicant respectfully requests that the Section 112, first paragraph rejection of claims 14 and 18 be withdrawn.

**§ 103 Rejection – Shiota**

Claims 7-24 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Shiota et al. (EP 0 838 767 A2). (Shiota is the first named inventor of the cited reference) Applicant respectfully traverses.

Independent claim 7 recites, in part "a file-number readout device to read out a last file-number of file-numbers for image files that have been recorded on the second loadable and removable recording medium from the second loadable and recording medium."

In previous replies, Applicant amply demonstrated that at best, Shiota merely discloses keeping a count - i.e., a reception number - of the memory cards loaded into the system using an internal counter. Thus, the counter number merely identifies the memory card. In the Office Action, the Examiner appears to be alleging that since the number represented by the counter becomes part of the file name recorded in the hard disk, the reception number is equivalent to the last file-number of file-numbers for image files. This is an unreasonably broad interpretation of Shiota.

Nevertheless, merely to clarify the invention, claim 7 is amended to recite that the last file-number is read out from the second loadable and recording medium. In contrast, as the Examiner fully recognizes, the reception number is read from the internal counter, NOT from the disk device where the image files are recorded. In other words, Shiota cannot teach or suggest the feature of "a file-number readout device configured to read out a last file-number of

file-numbers for image files that have been recorded on the second loadable and removable recording medium from the second loadable and recording medium” as recited. This is sufficient to distinguish claim 7 over Shiota.

Also in the previous Reply submitted on April 6, 2006, Applicant amply demonstrated that Shiota does not teach or suggest the feature of the second recording medium being loadable and removable. At best, Shiota teaches using a hard disk drive to store image data. The Examiner recognizes that Shiota fails to disclose the above-recited feature. However, the Examiner responds by alleging that instead of processing in the hard drive, a loadable and removable recording medium like a CD could be used. In other words, the Examiner appears to be taking Official Notice that replacing the hard disk drive as disclosed in Shiota with a loadable and removable recording medium is obvious.

First, to the extent that the Examiner is taking Official Notice, Applicant respectfully challenges the notice and request that a valid prior art be cited in support of the position taken by the Examiner.

Second, even if the hard disk drive as disclosed in Shiota is replaced with a loadable and recordable medium such as a CD, the Shiota system cannot guarantee unique file naming. In other words, modifying Shiota as the Examiner suggests renders Shiota unsatisfactory for its intended purpose.

The particular portion of Shiota relied upon by the Examiner is the portion that describes the system carried in a laboratory rather than a

computer system. In this system, a counter is incremented every time a memory card (allegedly equivalent to the first loadable and recording medium) is loaded. The file name from the memory card is determined by including the incremented counter number, i.e. the reception number, in the file name. However, in the laboratory system, because the names of the image files already in the CD have no bearing on the counter number, there is simply no guarantee that the resulting file name will be different from all file names currently in the CD.

As an example, there may be a file with the name "flower04030010001" in the CD already. If the counter number is 0009 in the laboratory system and the image file in the memory card has "flower" as the subject and "0403" as the date, then according to Shiota, the counter number will be incremented to 0010 and the resulting file name will be "flower04030010001." This is identical to the file already recorded in the CD. Thus, simply replacing the hard disk drive of the system disclosed in Shiota with a loadable and removable disc as suggested by the Examiner cannot guarantee unique file naming, i.e. the suggested modification renders Shiota unsatisfactory for its intended purpose. Then by definition, there is no motivation to make the modification. Accordingly, the Section 103 rejection fails with respect to claim 7.

Independent claim 10 recites, in part "reading out a last file-number of file-numbers for image files that have been recorded on the second loadable and removable recording medium from the second loadable and recording

medium." As demonstrated above, Shiota cannot teach or suggest at least this feature. Accordingly, claim 10 is distinguishable over Shiota.

Claims 8-9 and 11-24 depend from independent claims 7 and 10 directly or indirectly. Therefore, for at least due to the dependency thereon, these dependent claims are also distinguishable over Shiota.

The dependent claims are distinguishable on their own merits as well. For example, claim 13 recites "the image files are consecutively numbered, wherein a numerical difference between two consecutive numbers is a predetermined amount for all consecutive numbers." Claim 17 recites a similar feature.

In contrast, Shiota discloses that the identifying numbers of the files of the first memory card are numbered consecutively from "flower04030001001" to "flower04030001010", i.e. a numerical difference of one between each consecutive numbers. *See Shiota, column 7, lines 28-32.* However, as soon as the next memory card is loaded, the counter is incremented and the file names are determined to be from "flower04030002001" to "flower04030002010". *See Shiota, column 7, lines 32-35.* In other words, the numerical difference of the file name between the last file in the first memory card and the first file in the next memory card is 991 (04030002001 - 04030001010). There is no consistent predetermined difference amount for all consecutive numbers. It is clear that Shiota cannot teach or suggest the feature of claims 13 and 17.

As another example, claim 21 recites, in part “wherein the file-number readout device is configured to read out the last-file number of the image files recorded on the second loadable and removable recording medium from directly reading out the file names of the image files recorded on the second loadable and removable recording medium.” Claim 22 recites a similar feature. As noted above, at best, Shiota read from an internal counter the memory card number. Shiota does not disclose reading the last-file number from the second recording medium.

Also, the Examiner appears to be taking claim 21 out of context. The Examiner merely focuses on the phrase “directly reading out the file names of the image files recorded on the second loadable and removable recording medium” and relies upon column 7, lines 40-46 of Shiota to allegedly teach this feature.

A closer reading reveals that the column 7, lines 40-46 of Shiota merely indicates when the image file is printed, the file name may also be printed on the front or the back of the print. In contrast, in claims 21 and 24, the file names are read out in the process of reading out the last-file number of the image files recorded on the on the second loadable and removable recording medium, not when the image file is printed. It is clear that Shiota cannot teach or suggest the feature of claims 21 and 22.

For at least the reasons stated above, Applicant respectfully requests that the rejection of claims 7-24 based on Shiota be withdrawn.

### **New Claims**

Claims 25-26 are added through this Reply. All new claims depend from independent claims 7 and 10 directly or indirectly. For at least due to the dependency thereon, the new claims are allowable. Applicant respectfully requests that the new claims be allowed.

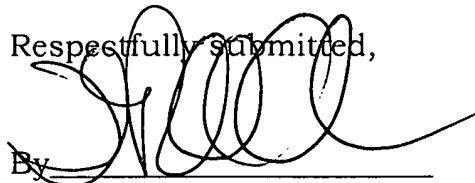
### **Conclusion**

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,



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